

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

TAVORIS HILL,

Petitioner,

v.

HENRY COUNTY and
WILLIAM K. MADDOX,

Respondents.

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CASE NO.: 1:18-CV-153-WHA
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RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner, an inmate incarcerated at the Henry County Jail in Abbeville, Alabama, filed this 28 U.S.C. § 2241 petition on March 6, 2018. Upon initiation of this case, however, Petitioner did not file the \$5 filing fee applicable when a petitioner is not proceeding *in forma pauperis*, nor did he submit an original affidavit in support of a motion for leave to proceed *in forma pauperis* accompanied by the required documentation from the inmate account clerk. The court, therefore, did not have the information necessary to determine whether Petitioner should be allowed to proceed *in forma pauperis* in this case and entered an order on March 8, 2018, requiring Petitioner to provide the court with this information on or before March 22, 2018. Doc. 2. The court specifically cautioned Petitioner that failure to comply with the March 8 order would result in a recommendation that this case be dismissed. Doc. 2.

As of the present date, Petitioner has filed nothing in response to the aforementioned order. The court, therefore, concludes that this case is due to be dismissed. *See Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that, as a general rule, dismissal for failure to obey a court order is not an abuse of discretion where a litigant has been forewarned).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Petitioner's failures to comply with the orders of the court and to prosecute this action.

It is further ORDERED on or before **June 19, 2018**, Petitioner may file an objection to the Recommendation. Any objection filed must specifically identify the findings in the Magistrate Judge's Recommendation to which Petitioner objects. Frivolous, conclusive or general objections will not be considered by the District Court. Petitioner is advised this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written a objection to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE on the 5th day of June, 2018.

A handwritten signature in black ink, appearing to read 'G3' with a stylized flourish extending to the right.

GRAY M. BORDEN

UNITED STATES MAGISTRATE JUDGE